Duke University
The Fuqua School of Business
Student Services

The Fuqua School of Business
Honor Code

PREAMBLE: Duke University is a community of scholars and learners, committed to the principles of honesty, trustworthiness, fairness, and respect for others. Students share with faculty and staff the responsibility for promoting a climate of integrity. As citizens of this community, students are expected to adhere to these fundamental values all times, in both their academic and non-academic endeavors.

The objective of The Fuqua School of Business Honor Code is to promote these standards. As the Fuqua community benefits from the atmosphere of trust fostered by the Honor Code, each member is responsible for upholding the spirit as well as the letter of the Code.

SCOPE OF THE HONOR CODE: The Honor Code and the Honor Code Bylaws address violations or actions committed by students of The Fuqua School of Business or others taking MBA classes at Fuqua. PhD students are members of the Graduate School of Duke University and are governed by the Judicial Code and Procedures of the Graduate School. Harassment issues will be handled by Duke University's Harassment Committee. In addition, matters not addressed by the Honor Code may be covered by Fuqua or Duke University policies.

Before matriculating at The Fuqua School of Business, all students will be provided a copy of the Honor Code and the Honor Code Bylaws. Each student will sign a statement indicating that he or she accepts the provisions of the Honor Code and the Honor Code Bylaws without reservations.

Macellari v. Carroll et al

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VIOLATIONS: Violations of The Fuqua School of Business Honor Code consist of the following:

Lying: Lying includes, but is not limited to, communicating untruths in order to gain an unfair academic or employment advantage.

Cheating: Cheating includes, but is not limited to, using unauthorized materials to complete an assignment; copying the work of another person; unauthorized providing of material or information (e.g., proprietary course information) to another person; using the work of another without giving proper credit (e.g., plagiarism); and working on course material outside of the time constraints imposed by the instructor. In the event a student is unclear as to what constitutes unauthorized material and/or the appropriate time constraints, he or she has a duty to seek clarification from the course instructor. Instructors are responsible for defining the manner in which assignments should be completed.

Stealing: Stealing includes, but is not limited to, taking the property of another member of the Fuqua community without permission, defacing or vandalizing the property of The Fuqua School of Business, or the misuse of Fuqua resources.

Failure to Report: Any party having knowledge of an Honor Code violation without reporting it will be considered an accessory to the violation and subject to penalty if found guilty.

STUDENT JUDICIAL REPRESENTATIVES: Students in each program will elect student Judicial Representatives. These students are expected to help educate the student community about the Honor Code; provide advice to students, faculty and administration on Honor Code matters, and, if necessary to serve on the Judicial Board. In each MBA program, two student Judicial Representatives will be elected one of the first two terms of the program.

CHARGES: If any member of the Fuqua community believes that an Honor Code violation has occurred, then he or she may approach the suspected violator to clarify what happened. If after the approach the person making the allegation realizes no violation occurred, then the issue may be dropped. However, if the person making the allegation chooses not to approach the individual or after approaching the individual still believes a violation may have occurred, he or she must promptly bring the matter to the attention of the Associate Dean for the program or a student member of the Judicial Board.

The Associate Dean, together with two student investigators, will promptly investigate the matter. The Associate Dean may delegate his or her role in the investigation to another member of the faculty or staff, if necessary. The two student investigators will be appointed by the Associate Dean and must be members of the same program as the accused. All investigation participants will be bound by a confidentiality agreement. The accused will be notified that they are under investigation and will be given a copy of these bylaws and reminded of their rights. Upon completion of the investigation, the investigators will decide whether to initiate formal proceedings.

After the investigation is completed, the Associate Dean will notify the accused of the investigators' decision. If formal charges are filed, the accused will be notified that he or she is being charged with an Honor Code violation and that proceedings will be held. Charges may be one or more of the following: lying, cheating, stealing or failure to report a violation, as defined above. This notification will be at least five days prior to a formal hearing before the Judicial Board. The notification will consist of a written list of charges and other supporting material that the Associate Dean and the two student investigators deem relevant. The same notification will be simultaneously provided to the members of the Judicial Board.

RIGHTS: Anyone suspected of a violation has the following rights:

- The right to be informed that he or she is under investigation.
- The right to avoid self-incrimination.
- The right to seek advice from other members of the Fuqua community.
- The right to receive any materials related to his or her case distributed to the Judicial Board in advance of the hearing no less than 48 hours before the hearing.
- The right to have an advisor present at the Judicial Board hearing, although it is not the responsibility of The Fuqua School of Business to provide such an advisor, and the advisor's presence is limited to offering advice to the accused. The advisor may not address the Board or any witnesses.
- The right to present witnesses and evidence at the Judicial Board hearing.
- The right to a fair and impartial hearing by the Judicial Board.
- The right to confront witnesses at the Judicial Board hearing.

- The right to appeal a verdict or penalty for the following reasons:
- The discovery of substantial new evidence.
- Failure by the investigators or the Judicial Board to follow these Honor Code Bylaws.

JUDICIAL BOARD PROCEEDINGS: A formal hearing of the charges will be held before the Judicial Board after the Associate Dean has initiated formal proceedings. The Judicial Board hearing will be convened no earlier than five business days and no later than 15 business days after the accused has been notified of the charges against him or her and of the date, time and place of the Judicial Board hearing.

The Judicial Board will consist of three faculty members appointed by the Dean of The Fuqua School of Business or his/her representatives, three student representatives, and a Chair. The Chair will be a member of the faculty, appointed by the Dean, and will have non-voting status except in the case of a tie vote. Faculty representatives will hear all Honor Code cases. The students on the Board should be selected from the Judicial Representatives of the program of the accused, including two students from the graduating class of the accused and one from another class. If there are not enough student Judicial Representatives available, the Chair may appoint other students to serve on the Board. At least five of the six voting members and the Chair must be present to hold a hearing. The Associate Dean (or his/her designee) will attend the hearing to represent the investigative team. The Chair is responsible for running the proceedings and moderating all discussions.

If the accused chooses to be present at the beginning of the hearing, the Chair will ask the accused if he or she understands his or her rights as enumerated above. If the accused answers in the negative, the Chair will explain these rights and the hearing will proceed. The Chair of the Judicial Board will then read the charges against the accused and request a plea of guilty or innocent on each charge.

If the accused pleads guilty, the Chair will invite the accused to make a statement describing the violation(s) and the circumstances leading to the violations) and discuss any extenuating or mitigating circumstances. The accused may offer evidence or call witnesses to support his or her statement. If necessary, the Associate Dean may also present evidence and call witnesses. The members of the Judicial Board, the Associate Dean, and the accused may question all witnesses and may examine any physical evidence that may be presented.

If the plea is not guilty or the accused chooses not to be present, the Associate Dean will then present the evidence and call witnesses (if any) supporting the charge(s) against the accused. Once the case against the accused has been presented, the Chair will give the accused the opportunity to present his or her defense. The accused may also offer evidence or witnesses to refute the charges and may discuss any extenuating or mitigating circumstances. The members of the Judicial Board, the Associate Dean, and the accused may question all witnesses and may examine any physical evidence presented.

After both sides have presented arguments and made closing statements, the accused, witnesses and the Associate Dean will leave the room. The Judicial Board will then discuss the case and vote on the guilt or innocence on each charge. Members of the Judicial Board should vote "guilty" if they believe there is convincing evidence that the accused violated the Honor Code. Specifically, board members should vote "guilty" if they believe that the probability that the accused violated the Honor Code exceeds 90 percent. A simple majority vote of the Judicial Board will decide the verdict. If the verdict is guilty, the Judicial Board will then decide on a penalty or penalties, again determined by a simple majority vote.

If necessary, the Chair of the Judicial Board may adjourn the hearing or deliberations concerning guilt or penalties. However, the Board must conclude its proceedings within 20 business days of the first Judicial Board hearing.

A complete record (written, audio, or video) of the proceedings will be made and this record and any evidence will be retained by the Associate Dean to serve as a reference for future cases. All participants in the hearing must maintain the confidentiality of all those involved.

PENALTIES: In the event of a conviction, the Judicial Board will determine an appropriate penalty. These include, but are not limited to, the following:

Cheating Violations
Minor Penalty: reprimand and recommended failure of the assignment or course.
Moderate Penalty: suspension for one term.
Severe Penalty: suspension for not less than one semester or expulsion.

Stealing Violations
Minor Penalty: restitution.
Moderate Penalty: restitution and suspension for one term.
Severe Penalty: restitution and suspension for not less than one semester or expulsion.

Lying Violations: Lying to gain an unfair academic advantage will be treated as a cheating violation. Lying to gain an unfair employment advantage will have the following penalties:
Minor Penalty: interviewing with the company involved will be prohibited.
Moderate Penalty: loss of all interviewing privileges at The Fuqua School of Business and suspension for one term.
Severe Penalty: loss of all interviewing privileges at The Fuqua School of Business and suspension for not less than one semester or expulsion.

Failure to Report: Failing to report a violation will be treated as an accessory to the unreported violation.

Convictions of an Honor Code violation may limit the student's ability to participate in The Fuqua School of Business activities and may result in the loss of scholarship or fellowship support. If a convicted student chooses to run for or serve in an elected or appointed office, the Judicial Board may require that the student body be informed of the details of the conviction. During a period of suspension or following expulsion, a student may not use any resources or facilities of The Fuqua School of Business nor participate in activities conducted by the School or its student organizations.

All convictions of Honor Code violations will be noted on the student's transcript. Except in the case of expulsion, a student can petition the Dean of The Fuqua School of Business to have these notations removed from his or her transcript after some time has expired. The Judicial Board will determine the time period, with the following recommendations:

Minor Penalties: one year
Moderate Penalties: two years
Severe Penalties: four years

The time periods will run from the date of the conviction or the end of the suspension if there is one.

NOTIFICATION: The Chair or another member of the Judicial Board will notify the accused and the Associate Dean of the verdict and penalty as soon as reasonably possible. Regardless of the outcome of the case, the Chair of the Judicial Board will publish a brief summary of the case for the benefit of the students and faculty of The Fuqua School of Business. The summary will include the following: class of the accused, charges brought, verdict and penalty. The summary should be published shortly after the conclusion of the proceedings.

APPEALS: As noted above, any person convicted of an Honor Code violation has the right to appeal a verdict or penalty if substantial new evidence is uncovered or if the Associate Dean or the Judicial Board failed to abide by these Bylaws.

Appeals must be initiated in writing and should be made directly to the Dean of The Fuqua School of Business. The Appeals Committee will consist of the Dean or the Dean's appointee, a tenured faculty member appointed by the Dean and a student appointed by the Dean. The Appeals Committee may uphold the decisions of Judicial Board, reverse a verdict or change a penalty, or send a case back to the Judicial Board to hear new evidence.

Appeals based on failure to abide by these bylaws must be initiated within 15 business days of a conviction. The Appeals Committee must respond to the appeal within ten business days of the appeal. The Appeals board will publish a summary of its conclusion for the benefit of the students and faculty of The Fuqua School of Business.

REVISION: At any time, the Judicial Board may review the Honor Code and propose revisions to it or these Honor Code Bylaws. Any proposed revisions must be approved by a vote of the faculty and a vote of all students of The Fuqua School of Business. In each vote, approval will be determined by a simple majority of those voting. The new Honor Code and Honor Code Bylaws become effective immediately after both bodies approve it.

revised January 12, 2004